

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION

FILED

04 MAR 16 PM 3:14

U.S. DISTRICT COURT  
N.D. OF ALABAMA

CINDY GOUGH, et al.,

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Plaintiffs,

]

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vs.

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CV-04-CO-0135-W

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WYETH, et al.,

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Defendants.

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**ENTERED**

MAR 16 2004

MEMORANDUM OF OPINION

Presently before the court is Plaintiff's Emergency Motion to Remand, filed on January 27, 2004 [Doc. # 9], Wyeth's Opposition to Remand [Doc. # 14], Wyeth's Motion to Stay to Allow Transfer to the Multi-District Litigation Proceeding [Doc. # 16], and Plaintiff's Motion for Oral Argument [Doc. # 19]. Upon due consideration, and for the reasons that follow, Plaintiff's Emergency Motion to Remand [Doc. # 9] will be granted. Wyeth's Motion to Stay to Allow Transfer to the Multi-District Litigation Proceeding [Doc. # 16] is denied and Plaintiff's Motion for Oral Argument [Doc. # 19] is denied.

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The claims, facts and arguments asserted in this case are extremely similar to those in *Marshand v. Wyeth, et al.*, CV-03-CO-3195-W (N.D. Ala. filed March 16, 2004). The differences are not material to the consideration of the pending motions. The court by reference adopts the analysis set forth in that opinion.

The court is of the opinion that it does not have diversity jurisdiction over the claims against the defendants. This case will be remanded to the Circuit Court of Pickens County, Alabama. A separate order will be entered.

Done, this 16<sup>th</sup> day of March, 2003.

  
L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE